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10/588,987

08/10/2006

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CANADA

EXAMINER

PHAN, HAI

ART UNIT

PAPER NUMBER

2614

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|------------------------------------|--|
| Office Action Summary | Application No. 10/588,987 | Applicant(s) COTE ET AL. | |
| | Examiner Hai Phan | Art Unit 2614 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,10 and 11 is/are allowed.
- 6) ☒ Claim(s) 3-9 and 13-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/07/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. All three foreign patents listed in the information disclosure statement filed 12/07/2006 have not been considered by the examiner because copies of those patents are not available. Applicant is requested to submit these foreign references along with the new IDS statement if Applicant wishes to have them considered. Please note that it appears there is a typographical error in listing the patent "CA-2,52,595" because it does not have all 7 digits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 3-4, 6-9, 12-13, 20-26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Ambourn (U.S. Patent 5,742,691).

Regarding claim 3, Ambourn discloses a device (Fig. 2) which defines a first source of primary stereo sound from a pair of signals (signals 12, 14, 16, 18). The audio signal generated from the stereo signal device (10) via these pair of signals comprises common parts (audio signal) having parameters such as frequencies, amplitudes, voltages (the audio signal inherently having parameters such as these).

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The device further comprises parameter barriers (34, 36) thus generating a pair of signals that define a secondary stereo source (sound that is to be generated to the rear speakers (24, 26). The device generates increasing stereophony when the signals activate loudspeakers (signals outputted by the stereo signal device to the speakers (20, 22, 24, 26) and when secondary loudspeakers (24, 26) are added to the primary loudspeakers (20, 22).

Regarding claim 4, Ambourn's stereo sound source is an encoded source since he further discloses a surround sound processing unit (100) which decodes and amplifies (Fig. 1; col. 2, lines 44-45) where the stereo signal source can be a stereo VCR, stereo receiver, car stereo or a stereo TV (col. 2, lines 41-43).

Regarding claims 6 and 12, in Fig. 2, Ambourn discloses the connection of the sound signals directly from the stereo signal device (10) to the speakers; thus, the device is used in passive mode.

Regarding claim 7, Ambourn further teaches that the signals can be linked to amplifiers (see abstract, last line; Fig. 4, amplifier 58; or col. 2, lines 44-45).

Regarding claims 8-9 and 13, Ambourn further teaches that the device can be used in active mode in post-amplification where the sound signals are linked to loudspeakers or via amplifier (as shown in Fig. 1 and 2).

Regarding claims 22-26 and 28, Ambourn's device as discussed above also anticipates the method recited in these claims.

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Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 5 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ambourn (U.S. Patent 5,742,691).

Regarding claim 5, Ambourn fails to specifically teach that the stereo sound source is a non-encoded source. However, the examiner takes Official Notice that it is well-known in the art that the audio source could be an encoded source or non-encoded source, and it would have been obvious to a person of ordinary skill in the art at the time

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the invention was made to implement Ambourn's device to feed non-encoded audio source directly to the speakers.

Regarding claim 27, Ambourn uses capacitors as barriers to prevent the common part to reach the secondary speakers rather than diodes; however, the use of diodes to prevent the flow of certain signal; thus, acting as barrier. Therefore, it would have been obvious to a person of ordinary skill in the art to replace capacitors as used by Ambourn with diodes since diodes are readily available and could be substituted with capacitors to act as barriers.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 3-9 and 12-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, line 2, it is not clear what the phrase "a device that permits" really define what the device is permitting.

Regarding claims 6-9, the term "devices" in line 1 of each claim is unclear since there is only one device is being recited in the claims they depend upon.

Regarding claims 7 and 9, the term "and/or" is considered unclear.

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Regarding claim 14, in line 10, the phrase "(abbreviated as SGA in French)" is confusing in the context of the claim language and should be deleted. Similarly, the phrase "(abbreviated as SDA in French)" in line 13, should be deleted.

Specification

9. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required. There appears a summary on page 2 of the specification. Perhaps, Applicant should replace it as an Abstract.

10. The disclosure is objected to because of the following informalities:

There are no descriptions of Fig. 5-9 under the "Drawings" section on page 4.

On page 6, lines 12-13, the reference of PGA and PDA in French should be deleted and/or replaced since they are not displayed in the drawings.

On page 12, it is not clear why the summary appears at this junction of the specification.

Appropriate correction is required.

Drawings

11. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "30" has been used to designate both the "left output of modified stereo signal" and box shown in Fig. 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

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abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Allowable Subject Matter

12. Claims 1-2 and 10-11 are allowed.

13. Claims 14-21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

14. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach the device having the structural connections and functions as recited in claims 1 and 14.

Conclusion

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Phan whose telephone number is (571) 272-6338. The examiner can normally be reached on Monday-Friday (9:00AM-5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 571-272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CURTIS KUNTZ/
Supervisory Patent Examiner, Art Unit 2614

/Hai Phan/
Examiner, Art Unit 2614